

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY THOMAS CHERNETSKY,

Plaintiff,

vs.

THE STATE OF NEVADA, et al.,

Defendant.

Case No. 3:06-cv-00252-RCJ-WGC

ORDER

Plaintiff brings suit against Defendants. He claims, in part, that they failed to provide him with an anointing oil that would accommodate his religious practices. The Court granted summary judgment for Defendants on this claim because they offered baby oil and “Plaintiff provide[d] no evidence to that [sic] not being allowed to have other oils specifically burdens his religious exercise.” (ECF No. 154 at 26 (report and recommendation); ECF No. 161 (order adopting this finding). Plaintiff appealed.

The Ninth Circuit vacated this ruling because the Nevada Department of Corrections Religious Practice Manual was amended after the appeal was filed, which “change[d] . . . [Plaintiff’s] access to oils.” (ECF No. 248.) The circuit remanded so that this Court may “determine whether there is still a dispute and, if so, to adjudicate it based on the current [regulations].” (*Id.*)

1 To accomplish this goal, this Court held a status hearing on May 14, 2019. (ECF No. 262.)
2 There the Court ordered the parties to confer with each other over the course of twenty days to
3 determine whether Defendants could provide an oil, which would satisfy Plaintiff's demands. (*Id.*)
4 If not, the Court ordered the parties to submit a joint status report so stating. (*Id.*)

5 On July 10, 2019, Plaintiff submitted a notice that the parties could not reach an agreement.
6 (ECF No. 263.) Defendants confirmed such an impasse in their response. (ECF No. 264.)
7 Accordingly, the Court orders a briefing schedule for summary judgment on this issue.

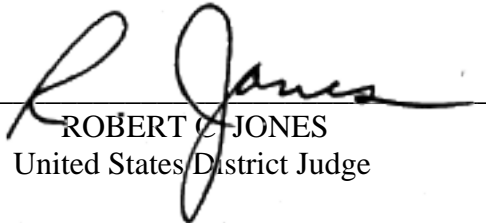
8 **CONCLUSION**

9 IT IS HEREBY ORDERED that each party shall submit a motion summary judgment for
10 this claim no later than October 22, 2020 and a response brief no later than November 23, 2020.

11 IT IS FURTHER ORDERED that Motion for Status Check (ECF No. 268) is DENIED AS
12 MOOT.

13 IT IS SO ORDERED.

14 Dated September 22, 2020.

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17 ROBERT C. JONES
18 United States District Judge
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